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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,363

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Hiroshi Miyahara

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12/26/2007

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EXAMINER

DIACOU, ARI M

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/760,363	Applicant(s) MIYAHARA, HIROSHI	
	Examiner Ari M. Diacou	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-10-2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935.C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12-11-2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Prosecution Application

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-10-2007 has been entered.

Response to Arguments

2. In the remarks filed 10-10-2007, applicant argued the following:
- A. On pages 33-34, that "The applicant submits that to amend the terms used in the claims in the manner suggested by the Examiner would unnecessarily narrow or limit of the scope to which the applicant regards as their invention, and would be contrary to what is required under 35 U.S.C. 112, second paragraph."
 - B. On page 34, that "as to the Examiner's comment on claim 9, the applicant has amended claim 9 in order to remove the noted informality."
 - C. On page 34-36, that Uekawa does not disclose all aspects of the claimed invention.
3. Argument A is convincing; the rejection is hereby withdrawn.

4. Argument B is unconvincing; both limitations had the problem mentioned in the 112P2 rejection, amending the first limitation corrected one of the two instances of the grammatical problem. See rejection below.
5. Argument C is moot in view of the new grounds of rejection, which has been necessitated by amendment.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 7, 9 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Regarding claim 7, in line 3 of the first limitation "of position" lacks antecedent basis. Which position —current position? Current position hasn't been mentioned yet. Examiner will assume that "of position" should read "of current position".
 - Regarding claim 9, the limitations thereof do not form a complete sentence. " the mesh area data that ..." does what?, a verb is required. In the interests of compact prosecution, Examiner will assume that applicant will remove "that", as was done in the previous limitation.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 7-9 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al. (USP No. 5513110).

- Regarding claim 7, Fujita discloses a Navigation device comprising:
 - a feature guidance information acquiring section [Fig. 1, #104] that acquires a feature guidance information ["destination point"] for providing guidance [position] on a feature [destination] when a movable body ["vehicle", Col. 4, lines 15-31] is moved to a predetermined guidance position ["directly succeeding intersection"] located ahead of position in a moving direction of the movable body toward the feature [Fig. 10, 1008-1009] based on a sub-area information ["area to be searched"] on a plurality of sub-areas [Fig. 4B] in each of which at most one of the position of the feature and the guidance position is included in a positional relationship shown on a map [Fig. 6, #606], the plurality of areas to be searched being respectively associated with unique mesh information representing one of meshes provided by dividing an area [each area to be searched has four corners representing points on a map with a unique pair of geographical coordinates], a plurality of pairs of unique feature

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information associated with the feature [the feature is associated with an area to be searched with four coordinate pairs] and unique guidance position information associated with the guidance position [the current position is described by a pair of unique geographical coordinates] on the feature being stored ["destination"] and respectively associated with the unique mesh information, [Figs. 4A and 4B]

- a current position information acquiring section [101] that acquires a current position information for a current position of the movable body; and [Col. 4 , lines 15-20]
- a guidance providing section [104] that provides guidance ["path" Figs. 6-10] on a feature ["destination"] by recognizing that a movable body is positioned at a guidance position of the feature guidance information based on the acquired feature guidance information and the acquired current position information. [Col. 4, lines 24-25 disclose that the destination point is the end point, therefore control stops when the destination point and the current point are equal]
- Regarding claim 8, Fujita discloses [Fig. 1, #104] [Col. 4, lines 20-21]
- Regarding claim 9, Fujita discloses:
 - wherein a feature data area stores the unique feature information [the area to be searched that contains the destination, contains the destination, which has unique coordinates]; and

- a mesh data area that stores the unique mesh information representing one of the sub-areas including the guidance position for the feature [the hierarchically higher area than the one of the above limitation];
- Regarding claims 12-14, Fujita discloses
 - a guidance information acquiring section [104] that acquires the guidance information [Fig. 10, 1012] of the guidance on the feature while being associated with the feature position or the guidance position, [1012 says move towards the destination and is the end of the loop that started with 1017]
 - wherein the guidance providing section provides the guidance based on the guidance information corresponding to the guidance position [1007] by recognizing that the movable body is positioned at the guidance position. [1007, "current position"]

Conclusion

10. The references made herein are done so for the convenience of the applicant. They are in no way intended to be limiting. The prior art should be considered in its entirety.

11. The prior art which is cited but not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ari M. Diacou whose telephone number is (571) 272-5591. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/AMD/

20-Dec-07

/Deandra M. Hughes/
Primary Examiner
AU3663